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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,891	02/01/2005	Sergio Restelli	2504-1159	6662

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EXAMINER

PRASAD, SONAL

ART UNIT PAPER NUMBER

3767

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,891	<b>Applicant(s)</b> RESELLI ET AL.	
	<b>Examiner</b> Sonal Prasad	<b>Art Unit</b> 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/1/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Greene et al (US 2005/0113755 A1.) Greene et al discloses the same invention as in claim 1, including a safety catheter comprising: a catheter body having an axial channel communicating with a sheath or cannula for administration of fluids, a guide needle, insertable through the channel of the catheter body, into the sheath to guide it during insertion into the patient's body, and a guide needle body supporting said guide needle insertable inside the catheter body and provided with at least one seat for coupling with medical instruments, characterized in that said body of the guide needle is mounted slidably inside the catheter body to be able to slide from a forward working position

wherein the guide needle protrudes forward from the catheter body to a retracted safety position wherein the guide needle is protected inside the catheter body, there being provided locking means, disposed in said body of the guide needle, cooperating with complementary locking or stop means disposed in the catheter body, to lock the body of the guide needle respectively in said forward working position and in said retracted safety position. (Col 5, Claim 14.)

3. Greene et al discloses the same invention as in claim 2, including a safety catheter in that said locking means comprises a pin and said complementary locking means provided in the catheter comprises two seats disposed at the front and at the rear to receive said pin when the body of the guide needle is situated respectively in said forward working position and in said retracted safety position. (Fig 15, 630, 610).

4. Greene et al discloses the same invention as in claim 3, including said pin mounted on an elastic element connected to the guide needle body so as to be able to be squeezed manually by the operator, causing elastic yielding of said elastic element to disengage itself from said front seat of catheter when the guide needle is in said forward working position. (Fig 14, 528) (Claim 14)

5. Greene et al discloses the same invention as in claim 4, a safety catheter in that said elastic element supporting the pin consists of an elastic tongue defined by a U-shaped cut in said guide needle body and disposed in a longitudinal seat formed in the guide needle body so as to be able to bend in said longitudinal seat. (Claim 2).

6. Greene et al discloses the same invention as in claim 5, safety catheter that comprises guide means able to guide the axial sliding of said guide needle body inside catheter. ([0059], lines 3-5.)

7. Greene et al discloses the same invention as in claim 6, safety catheter characterized in that said guide means comprise a longitudinal slot formed in the catheter body and ending in said front and rear seats to allow guided sliding of said pin in longitudinal slot. (Fig 14 & 15, 512).

8. Greene et al discloses the same invention as in claim 7, safety catheter where said front and rear seats are circular in shape with a slightly larger diameter than the width of said longitudinal slot and said pin comprises a cylindrical base part having a larger diameter than upper cylindrical part, diameter of said base of pin being smaller than diameter of said front and rear seats and greater than the width of slot and diameter of top part of pin being smaller than width of longitudinal slot. (Fig 1, #22,24,30.)

9. Claims 1, 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Larson et al (US 6,893,421). Larson et al additionally discloses the same invention as in claim 1, including the safety catheter comprising: a catheter body having an axial channel communicating with a sheath or cannula for administration of fluids.

10. Larson et al discloses the same invention as in claim 7, including the longitudinal slot and said pin comprises a cylindrical base part having a larger diameter than upper cylindrical part, diameter of said base of pin being smaller than diameter of said front

and rear seats and greater than width of slot and diameter of top part of pin being smaller than width of longitudinal slot. (Fig 1, 142,148.)

11. Larson et al discloses the same invention as in claim 8, including a complementary locking or stop means disposed in catheter with an elastic tongue in the rear of catheter where it's defined by U-shaped cut formed in body having a free end protruding inward to abut against surface formed in front of body of guide needle, where guide needle is in its retracted safety position. (Fig 11, 936,974.)

12. Larson et al discloses the same invention as in claim 9, including a safety catheter comprising spring means disposed in catheter between abutment surface in front wall and said spring means being under compression, when guide needle body is in forward working position and being released when guide needle is in retracted safety position. (Fig 9, 792.)

Larson et al additionally discloses the same invention as in claim 10, including a spring means comprising spiral spring around a cylindrical tang in front of guide needle body so as to define said abutment surface of guide needle body and having a smaller diameter than the guide needle body. (Fig 9.)

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonal Prasad whose telephone number is 571-272-3383. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Smel Sresad* 10/11/05